

### REMARKS

The *Response to Arguments* Section of the Answer (page 10), the Examiner states that Mandal teaches selecting a policy, and that in combination with Aggarwal, Mandal's policy selection would have given a way to select the appropriate policy for a specific device. As noted in detail in the Applicant's Appeal Brief, Mandal discloses a system of network control, which permits a user to specify a high-level policy for controlling the actions of a group of network-connected devices. A Device Policy Programming Interface 230 intervenes between the high-level policies 221-226 and the actual device communications 236 (see Fig. 2). Mandal does not disclose a device communication query policy, where each query policy is cross-referenced to methods for communicating a query to a device. Mandal's policies are not comprised of methods for communicating a query. Mandal does not select a query policy in response to accepting client query. In fact, Mandal is absolutely silent on the subject of client queries. Further, Mandal does not send a query to a device using a query method from the selected policy. As noted above, since Mandal's policy is not comprised of query methods, Mandal cannot disclose the limitation of sending a query using a method from the selected query policy. In short, Mandal does not disclose a single limitation from Applicant's claims 1 and 25. The only common ground between the Applicant's base claims and Mandal appears to be the use of the word "policy".

Aggarwal discloses conventional SNMP and ICMP network management. However, Aggarwal does not disclose a query policy cross-referenced to different query methods. Aggarwal does not select a query

policy in response to accepting client query. Aggarwal does not send a query to a device using a query method from the selected policy.

With respect to the third *prima facie* requirement for proving a case of obviousness, even if Mandal and Aggarwal are combined, the combination still fails to teach the limitations of cross-referencing query policies to different query methods, the selection of a query policy in response to a client query, and the use of a query method from the selected policy.

With respect to the first *prima facie* requirement, the Examiner suggests (page 13) that Mandal's high-level policy teaches a query policy. No specific rationale is given for this assumption, except that Mandal is allegedly in the same field of endeavor as Aggarwal "(i.e. monitoring and controlling devices using query policies)". The Applicant respectfully disagrees with this statement, as Mandal never describes a query method used to monitor and control devices. As noted in the Applicant's Appeal Brief, Mandal describes a policy server as a device to indirectly communicate with devices coupled to the network (col. 3, ln. 44-47). A Policy Programming Interface (PPI) 230 acts as an interface between the high-level policies in storage area 220 and the actual device objects (see Fig. 2). Mandal also discloses adaptors (objects) for communicating with devices using device-specific protocols. Mandal's PPI separates the high-level policies from the objects, and Mandal makes no direct linkage between a selected policy (e.g., policy 221) and any particular device object (e.g., 232) or device adaptor (e.g., 231). Mandal does not cross-reference high-level policies to device query methods, select

a query policy, or use a particular query method as a result of a selected policy.

In summary, Mandal does not show a person of skill in the art that it would be desirable to create a directory of query policies cross-referenced to query methods. Mandal's policies are at too high of a level to be concerned with the mechanics of device communication methods. Neither does Mandal disclose how a means for selecting a query policy in response to a client query. Since Mandal does not disclose the use of query methods, the desirability of a plurality of query policies, or a means of selecting between query policies, it is impossible to say that Mandal teaches the "selection of a query policy", as suggested in the Examiner's Answer. As a result, even if Mandal is combined with Aggarwal's SNMP or ICMP query protocols, the combination does not teach a means of selecting between multiple query methods in response to a client query.

Alternately, the Examiner may rely upon the knowledge of a person with skill in the art to supply motivation lacking the Mandal and Aggarwal references. "(A)nalysis [of whether the subject matter of a claim would have been obvious] need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007). However, if the *prima facie* rejection is supported by what was known by a person of ordinary skill in the art then additional evidence should have been provided. Notable, when the source or motivation is not from the prior art references, "the evidence" of motive will likely consist of an explanation or a well-known principle or problem-solving strategy to be applied". *DyStar*, 464 F.3d at

1366, 80 USPQ2d at 1649. The Examiner has not supplied evidence that it would have been obvious for an artisan to create a directory of query policies and select one of the query policies in response to a client query, based upon what was known at the time on the invention.

With respect to the second *prima facie* requirement, no evidence has been provided to show that there is a reasonable expectation of success in the claimed invention limitations. There can be no reasonable expectation of success if the prior art references, and what was known by artisan at the time of the invention, do not teach all the limitations of the claimed invention.

It is submitted that for the reasons pointed out above, the claims in the present application clearly and patentably distinguish over the cited references. Accordingly, the Examiner should be reversed and ordered to pass the case to issue.

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